IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4267 OF 2005

Bharat Laxmidas Patel ..Applicant

Vs.

State of Maharashtra & Anr. ..Respondents

...

Mr. S.G.Kekani,Advocate for Applicant
Mr. S.R.Shinde,A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 7,2005

P.C.

1. Heard.

2. The applicant has been convicted under Section 138 of Negotiable Instruments Act by the learned Metropolitan Magistrate, 33rd Court, Esplanade, Mumbai in Case No. 880/S/2000. The applicant was directed to suffer sentence till rising of the Court and to pay a fine of Rs.1,50,000/-, in default of payment of fine, R.I. for one year.

3. The applicant has preferred Appeal No.118 of 2005 before the Court of Sessions. The said appeal was admitted. However, the applicant was directed to deposit the compensation amount on or by 7.7.2005. The applicant was granted bail till 7.7.2005.

4. Now it is stated by the learned advocate for the applicant that the applicant is in dire financial state and that winding up petition is pending in respect of the company of the applicant and Official Liquidator has been appointed who has taken over charge of the company. Thus, it is prayed that the order of deposit of compensation amount may be set aside.

5. I am not inclined to set aside the order directing to deposit the compensation amount. However, I am inclined to reduce the said amount to a certain extent. The applicant is directed to deposit an amount of Rs.38,000/- before the trial Court. Three months time is granted to the applicant to deposit the said amount. The said

amount shall be deposited in three equal monthly instalments i.e. the amount shall be deposited on or before 10th day of every month. The first instalment shall start in the month of August, 2005. The bail granted to the applicant by order dated 8.6.2005 is confirmed. It is made clear that if there is any default in paying any of the instalments, the bail granted to the applicant shall stand cancelled.

6. Application is disposed of.

[V.K.TAHILRAMANI,J.]